

8.2.7 FIREARMS – SHOOTING REVIEW BOARD

Revised November 8, 2017

The following procedure shall be adhered to whenever an officer discharges a firearm in the line of duty, except for the following:

- 1) No-hit unintentional discharge,
- 2) Shooting involving an animal,
- 3) Firearms qualification,
- 4) Practice, and
- 5) Training.

The Shooting Review Board reviews incidents involving the discharge of a weapon, except those listed above, by an employee. The Board shall make recommendations to the Chief of Police whether the shooting was intentional or unintentional, and in-policy, or out-of-policy. It shall also make recommendations relative to any other forms of force used, officer actions, or other Department actions that occurred during the incident. The Board is not intended to replace the Internal Affairs process. The Board shall be administrative and make no findings regarding criminal culpability.

The Chief of Police is responsible for making the final determination regarding the disposition of an OIS.

8.2.7.1 CONVENING THE BOARD

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The Board will convene within a reasonable time from the date of the incident. When the incident results in a death, the Board will not be held until the Homicide Detail receives the final autopsy report.

It is the responsibility of the Homicide Detail to make a complete, non-biased, and concise presentation of all the facts surrounding the incident. In the event an officer's statement must be compelled, LBPD Manual § [8.1.6 COMPELLED STATEMENTS](#) shall govern how the information will be presented to the Board.

8.2.7.2 MEMBERSHIP – SHOOTING REVIEW BOARD

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- A) The Review Board shall be comprised of the following **VOTING** members, none of whom may have been involved in the incident:
- 1) Deputy Chief of the Support Bureau or designee (Chairperson of the Board):
 - a) If the involved officer is assigned to the Support Bureau, the Chairperson of the Board shall be the Deputy Chief of the Investigations or Patrol Bureau;

- 2) Chief of Staff or designee;
 - 3) Deputy Chief or designee of involved officer(s) or designee;
 - 4) Training Division representative:
 - a) The Training Division representative should be qualified to provide expertise in Department training and be responsible for assembling any additional training or subject matter experts to provide expert testimony to the Board;
 - b) The Training Division representative should be able to provide the Board with up-to-date training and shooting records of the involved officer(s); and
 - 5) Peer of the involved officer(s).
- B) The Review Board shall be comprised of the following **NON-VOTING** members, none of whom may have been involved in the incident:
- 1) Commander of the involved officer;
 - 2) Detective assigned to the incident;
 - 3) Employee association representative;
 - 4) Internal Affairs representative;
 - 5) Emergency Communications Department representative;
 - 6) Homicide Supervisor or designee.

The Homicide Detail will make a timely notification to the involved officer(s) regarding the convening of the Board. The notice will include the incident to be reviewed and the names of the Board members. The officer has one (1) preemptory challenge of the peer-level member. If the officer wishes to make a preemptory challenge, he or she needs to notify the Chairperson of the Board at least three (3) days prior to the convening of the board. The peer will be replaced by a selection made by the Chairperson of the Board or his or her designee. The appointment of the second peer is final. If the peer fails to appear, the Chairperson will select another peer without challenge. The Homicide Supervisor is responsible for notifying the involved officer(s) being reviewed of any peer changes.

8.2.7.3 NON-POLICE DEPARTMENT EMPLOYEES

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If the officer involved in the shooting is not a Police Department employee, and the other City department agrees to have the Police Department conduct the review of the incident, the following changes will be made to the Shooting Review Board:

- A) Voting Members
- 1) The employee's Bureau Manager or designee of the City department involved will replace the Deputy Chief of the involved officer;
 - 2) Peer member will come from the department involved.
- B) Non-Voting Members

- 1) The employee's Administrative Officer, Division Head, or designee of the City department involved will replace the Commander of the involved officer.

8.2.7.4 REVIEW OF OFFICER INVOLVED SHOOTINGS

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The review process of an OIS shall include an examination of the circumstances of the shooting, including the events leading up to and after the incident. For each involved officer, the Shooting Review Board shall make a recommendation as to whether:

- 1) The involved officer's actions, prior to the shooting, were within Department policy, procedure, and training guidelines;
- 2) The shooting was in-policy, or out of policy;
- 3) The involved officer's actions, after the shooting, were within Department policy, procedure, and training guidelines.

When evaluating an OIS, deviation from policy, procedure or training should be viewed within the totality of the circumstances.

The Shooting Review Board shall also make a recommendation as to whether any other Department actions are needed, or if any non-shooting officer's actions during the incident require Department action.

8.2.7.5 DISSENTING OPINIONS

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Any voting Review Board member who has a dissenting vote (not recommended actions) in any area will be required to file a memorandum to the Chief of Police explaining his or her dissenting vote. The Board member will forward the memorandum to the Homicide Supervisor. A voting Board member may author a memorandum to the Chief of Police explaining his or her decision, regardless of whether his or her vote was in the majority or minority.

8.2.7.6 CHIEF OF POLICE REVIEW

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The Homicide Detail shall present the completed case and Board recommendations to the Chief of Police, who will determine final disposition.

8.2.7.7 NON-POLICE DEPARTMENT EMPLOYEE DEPARTMENT HEAD REVIEW

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If the employee involved in the shooting is not a Police Department employee, and the other City department agrees to have the Police Department conduct the review, the Homicide Supervisor shall present the completed case to the Department Head and Chief of Police for review. The Chief of Police will provide a recommendation to the Department Head and advise whether he or she concurs with the Board recommendations.

The Department Head will then determine whether the employee's actions were in-policy, or out-of-policy.

8.2.7.8 PROJECT ASSIGNMENT – SHOOTING REVIEW BOARD RESULTS

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The Homicide Detail shall create a memorandum documenting the Chief's decision. Completed original project assignments will be sent to the Homicide Supervisor for inclusion in the case file.

8.2.7.9 MEMORANDUM OF COMPLETION

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The Homicide Detail shall create a memorandum of completion to the Chief of Police. If the incident does not involve a Police Department employee, the memorandum will be forwarded to the Department Head of the involved employee and the Chief of Police for signature.